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REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Examiner's Point 4, Claim rejection under §102:

The Examiner rejected claims 1, 12, 14 and 15 under §102(e) as being anticipated by Jackinsky. Applicant has amended claim 1 to overcome this rejection. In particular, claim 1 has been amended to include the limitations "wherein the forefoot region includes at least one hard, high density insert formed to follow the curvature of the sole portion; and wherein the at least one insert includes reinforcing ribs having a shore hardness of between 20 and 90." These limitations are not found in Jackinsky. Consequently, this rejection is overcome. Confirmation of this fact is respectfully requested.

Examiner's Point 5-10, Claim rejections under §103(a):

The Examiner rejected the claims on various grounds. Applicant has amended claim one to include two limitations not previously present, namely the limitations:

"wherein the forefoot region includes at least one hard, high density insert formed to follow the curvature of the sole portion; and
wherein the at least one insert includes reinforcing ribs having a shore hardness of between 20 and 90."

These are essentially the limitations of original claims 4 and 5. Referring to original claim 4, the Examiner cited Borgeas, Girard in view of Rudy, against this claim on obviousness grounds. Referring to original claim 5, the Examiner cited Borgeas, Girard,

Ruday and Durand. It is believed that Durand cannot fairly be cited against Applicant's invention because the lugs are made of elastic material which is stretchable. Consequently, it cannot be fairly said that the ribs are "reinforcing" nor that they have any significant hardness, at least not in the range of between 20 and 90. Further, to reject this newly formulated claim, the Examiner would have to combine at least 5 references, assuming she can fairly cite a reference showing ribs that are hard. Such a rejection would, Applicant believes, not be sustainable. Consequently, Applicant believes that the Examiner may now fairly pass the application on to allowance. Confirmation of this fact is respectfully requested.